

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

<b>GARY HOLT, JR.,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	<b>Case No. 3:09-1154</b>
<b>v.</b>	)	<b>Judge Campbell / Knowles</b>
	)	
<b>DAVIDSON COUNTY SHERIFF'S</b>	)	
<b>OFFICE, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	

**REPORT AND RECOMMENDATION**

This matter is before the Court upon a Motion to Dismiss filed by Defendant Davidson County Sheriff's Office. Docket No. 69. Along with its Motion, Defendant has contemporaneously filed a supporting Memorandum of Law. *Id.* Defendant contends that Plaintiff's claims against it must be dismissed because it is not a proper party subject to suit. *Id.* Plaintiff has not responded to the instant Motion.

Plaintiff filed this pro se, in forma pauperis action pursuant to 42 U.S.C.1983, alleging that his rights have been violated through the denial of a "kosher diet due to religious beliefs." Docket No. 1. Plaintiff seeks monetary damages. *Id.*

In cases alleging civil rights violations, the proper party is the local municipality, not the county sheriff's office. *See, e.g., Petty v. County of Franklin, Ohio*, 478 F.3d 341, 347 (6<sup>th</sup> Cir. 2007); *Matthews v. Jones*, 35 F.3d 1046, 1049 (6th Cir. 1994); *Alexander v. Beale Street Blues Co.*, 108 F. Supp. 2d 934, 947 (W.D. Tenn. 1999). Accordingly, the Davidson County Sheriff's Office is not an entity capable of being sued. The undersigned therefore recommends that

Defendant's Motion to Dismiss be GRANTED.

Under Rule 72(b) of the Federal Rules of Civil Procedure, any party has fourteen (14) days after service of this Report and Recommendation in which to file any written objections to this Recommendation with the District Court. Any party opposing said objections shall have fourteen (14) days after service of any objections filed to this Report in which to file any response to said objections. Failure to file specific objections within fourteen (14) days of service of this Report and Recommendation can constitute a waiver of further appeal of this Recommendation. *See Thomas v. Arn*, 474 U.S. 140, 106 S.Ct. 466, 88 L. Ed. 2d 435 (1985), *reh'g denied*, 474 U.S. 1111 (1986); 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72.



E. CLIFTON KNOWLES  
United States Magistrate Judge